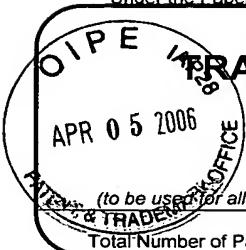


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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

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Application Number	10/663,934
Filing Date	September 16, 2003
First Named Inventor	Prasad, R.
Art Unit	1772
Examiner Name	Hon, S.F.
Attorney Docket Number	HOETRE24ACON

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Customer No. 00270 Express Mail No. EQ 543972568 US	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before The Board Of Patent Appeals And Interferences

Patent No. : 10/663,934 Confirmation No. 2322
Applicant : Prasad, R.
Filed : 09/16/2003
TC/A.U. : 1772
Examiner : Hon, S.F.
Docket No. : HOETRE24ACON
Customer No. : 00270
Title : PROCESS FOR PRODUCING COATED POLYMERIC ARTICLES
AND THE ARTICLES PRODUCED THEREBY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22323-1450

REPLY BRIEF

Sir:

This Reply Brief is timely filed within two months from the filing of the Examiner's Answer (mail date: 02/07/2006). This Reply Brief is a response to the Examiner's Answer. It is a supplement to, and not a replacement of, the earlier filed Appeal Brief. The Board is requested to consider both the Appeal Brief, filed December 16, 2005, and the Reply Brief filed herewith.

Express Mail No. EQ 543972568 US

(1) Real Party In Interest

A statement identifying the real party in interest is contained in the Appeal Brief, filed December 16, 2005.

(2) Related Appeals And Interferences

A statement identifying related appeals and interferences is contained in the Appeal Brief, filed December 16, 2005.

(3) Status Of Claims

A statement identifying the status of the claims is contained in the Appeal Brief, filed December 16, 2005.

(4) Status Of Amendments

There are no outstanding amendments.

(5) Summary Of Claimed Subject Matter

A summary of the claimed subject matter is contained in the Appeal Brief, filed December 16, 2005.

(6) Grounds Of Rejection To Be Reviewed On Appeal

A statement identifying the issue on appeal is contained in the Appeal Brief, filed December 16, 2005.

(7) Argument

Applicant's argument regarding the issue on appeal is contained in the Appeal Brief, filed December 16, 2005, and will not be repeated here. By way of this Reply Brief, Applicant only addresses specific matters raised in the Examiner's Answer.

In response to the Appeal Brief filed on December 16, 2005, the Examiner alleges “that while the present claims do not require a primer layer, neither do they exclude one” (Examiner’s Answer at p. 10: lines 6-7).

Applicant respectfully disagrees, the mere fact that the claim language recites “comprising” does not mean that the claims can be read to recite a primer layer between the substrate and the coating. The claims recite that the coating is “on” the substrate, allowing for no intervening primer layer. Support for the claimed invention not requiring a primer layer can be found, for example, in the specification on page 5, lines 19-20, where it is recited that the polysilicate coating is directly on the maleic anhydride modified layer. Further support contrary to the Examiner’s allegation can also be found in the specification where it is explicitly stated that “the method of the invention enables good adhesion . . . without separate application of a primer layer (e.g., a solvent coating) to the substrate” (p. 2: lines 19-21). The specification clearly indicates there is no need for a primer layer, which in the absence of the recitation of a primer layer in the claims should not be read to include such, *i.e.* a primer layer should not be read into the claims. As set forth in the MPEP, claims are to be read in light of the specification.¹

The issue of the invention excluding the need for a primer layer is important, *inter alia*, in regard to the appropriateness of the combination of the references of Hubbard and Adur as set forth by the Examiner. The Examiner alleges these references are combined appropriately (Examiner’s Answer at p. 10: lines 7-10). However, as previously stated in our Appeal Brief, “Hubbard is directed to *primer* technology whereas Adur is directed to *adhesive* technology. . . . Since the instant invention does not require a primer layer, the examiner’s reliance on Hubbard in the instant case is inappropriate. . . . [T]here would be no *motivation* to combine references directed to primer technology [Hubbard] with that of adhesive technology [Adur] or vice versa.” (Appeal Brief at p. 6: lines 3-14).

¹ [T]he definiteness of the language must be analyzed, not in a vacuum, but always in light of the teachings of the disclosure as it would be interpreted by one of ordinary skill in the art. MPEP § 2106.

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For the reasons set forth above, we ask the Board to consider our arguments and the implications in regard to the appropriateness of the Examiner's rejections. We respectfully request the Board to reverse all of the Examiner's rejections in light of our Appeal brief and the foregoing arguments set forth in this Reply Brief.

Applicant believes there are no fees due with the filing of this paper. However, the Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper, or credit any overpayment, to Deposit Account No. 08-3040.

Respectfully submitted,
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Attorney for Appellant

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(8) Claims Appendix

10. A coated polymeric article comprising:

(a) a coextruded polymeric substrate consisting of a first outer surface of a maleic anhydride modified polyolefin layer and a second outer surface of a selected polyolefin layer; and

(b) a polysilicate coating on the maleic anhydride modified layer.

11. The coated article according to claim 10, wherein said article further comprises a top coat.

12. The coated article according to claim 11, wherein the top coat is selected from the group consisting of polymethacrylate, cellulose acetate, and cellulose nitrate.

13. The article according to claim 10, wherein the substrate is characterized by a thickness ranging from about 20 to about 50 mil.

14. The article according to claim 10, wherein the article is a film.

15. The article according to claim 14, wherein the article is biaxially oriented.

16. The article according to claim 14, wherein the substrate has a thickness between about 0.5 mil to 2 mil prior to coating.

17. The article according to claim 10, wherein the article is a bottle.

18. The article according to claim 10, wherein the selected polyolefin is polypropylene.

19. The article according to claim 10, wherein said polysilicate coating has a thickness ranging from about 200 to about 500 nm.

20. The article according to claim 10, wherein said polysilicate coating comprises a lithium polysilicate.

21. The article according to claim 10, wherein said polysilicate coating comprises a lithium-potassium copolysilicate.

22. The article according to claim 10, wherein the article is selected from the group consisting of bottles, jars, lidlocks and blister packs.

23. A coated polymeric article comprising:

- (a) a coextruded polymeric substrate consisting of a first outer surface of a maleic anhydride modified polyolefin layer and a second outer surface of a selected polyolefin layer; and
- (b) a polysilicate coating on the maleic anhydride modified layer,
wherein the article has an oxygen transmission rate of 3 to 15
cc/m²/day.

24. A coated polymeric film comprising:

- (a) a coextruded polymeric substrate consisting of a first outer surface of a maleic anhydride modified polyolefin layer and a second outer surface of a selected polyolefin layer; and
- (b) a polysilicate coating on the maleic anhydride modified layer.

25. The film according to claim 24, wherein said polysilicate coating has a thickness ranging from about 0.5 µm.

26. The film according to claim 24, wherein said polysilicate coating comprises a lithium-potassium copolysilicate.

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(9) **Evidence Appendix**

None.